

FILED

STATE OF INDIANA

MAY 08 2000

INDIANA UTILITY REGULATORY COMMISSION

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REGULATORY COMMISSION

In the Matter of the Petition of )  
Indiana Bell Telephone Company, )  
Incorporated d/b/a Ameritech Indiana )  
Pursuant to I.C. 8-1-2-61 For a Three ) Cause No. 41657  
Phase Process For Commission )  
Review of Various Submissions of )  
Ameritech Indiana to Show Compliance )  
with Section 271(c) of The Telecommunications )  
Act of 1996 )

**REPLY COMMENTS OF AMERITECH INDIANA**

Indiana Bell Telephone Company, Incorporated d/b/a Ameritech Indiana ("Ameritech Indiana"), by counsel, submits the following reply comments to the comments filed by AT&T Communications of Indiana, Inc. ("AT&T"), Sprint Communications Company L.P. ("Sprint") and Time Warner Telecom ("Time Warner") on May 1, 2000. In support of these comments, Ameritech Indiana respectfully submits as follows.

Ameritech Indiana agrees with AT&T, Sprint and Time Warner that John Kern should be hired as the facilitator in this case. Having Mr. Kern as the facilitator will allow the Indiana Utility Regulatory Commission ("IURC" or "Commission") to take advantage of the progress that has been made to date in the other Ameritech states regarding OSS testing, performance measures and other collaboratives in those states. Ameritech Indiana also generally agrees that not knowing the scope of the duties of the yet-to-be-hired Project Administrator makes it difficult to comment on the potential concerns of the parties, but in any event, the IURC must afford the parties due process and follow the ex parte rules with respect to the hiring and use of another surrogate staff

member. Finally, Ameritech Indiana agrees with AT&T, Sprint and Time Warner that KPMG has been or is in the process of being chosen as the third party tester in the other Ameritech states. Therefore, Ameritech Indiana posits that KPMG should be hired in Indiana as well to take advantage of the efficiencies of having the same tester in all the Ameritech states. The Commission could make a preliminary decision to hire KPMG and allow parties to comment on why KPMG should not be selected before a final decision is rendered.

Ameritech Indiana also supports the IURC taking advantage of the progress made in other Ameritech state collaboratives. Many issues will have already been resolved in the other Ameritech state collaborations. Ameritech Indiana does not agree with AT&T, Sprint and Time Warner that additional collaboratives should be initiated in Indiana for the sole purpose of duplicating what has already taken place in other Ameritech states and involving many of the same parties. While Ameritech Indiana agrees that this Commission needs to determine any Indiana-specific testing needs, this could be done in collaboratives focusing on state-specific issues. AT&T, Sprint and Time Warner seek to inject numerous processes to determine how to proceed in this case rather than focusing on the real work that needs to be done. AT&T, Sprint and Time Warner urge the Commission to upgrade the OSS first, then determine what should be tested, then commence the test, which will only delay consideration of Ameritech Indiana's 271 application. Additional enhancements to Ameritech's OSS can be expected to be deployed in the future as new software is developed and new technologies become available. However, the Commission should not allow the potential for future technology changes to delay the third party testing process. Ameritech Indiana encourages the

Commission to begin the OSS test and test any upgrades made during the test through the change management process built into the test in an effort to take advantage of the testing and collaboratives in the other states on a real time basis.

Ameritech Indiana needs to address several mischaracterizations made by AT&T, Sprint, and Time Warner in their comments. First, AT&T and Sprint extend the requirements of Section 271 by stating that Ameritech Indiana must first have approved TELRIC-based UNE rates. Although this is not an enumerated requirement of Section 271, this Commission has approved numerous interconnection agreements and amendments and has stated that they expect to rule on Ameritech Indiana's TELRIC-based UNE rates in a timely manner. AT&T and Sprint allege that Ameritech Indiana must make payment of all reciprocal compensation which is also not specifically a requirement of the 271 checklist. Finally, AT&T and Sprint come to the unfounded conclusion that Ameritech Indiana is NOT in compliance with the 271 checklist when no evidence has been presented in this case on that issue. Indeed, demonstration of compliance with the 271 checklist is the purpose of this proceeding. The Commission will ultimately make that determination on the basis of the evidence in this case and premature conclusions on the part of competitors have no place in these comments.

Without the benefit of any evidence, Time Warner proposes to identify and implement system enhancements and mega-processes as a predicate to evaluating Ameritech Indiana's OSS. Ameritech Indiana stated in its initial comments that Indiana will benefit from enhancements made in other states throughout this process. There is no evidence that prohibits this Commission from moving forward with the OSS test in a timely manner and taking advantage of the findings made by other Ameritech state

commissions on the Master Test Plan. Time Warner gets the cart before the horse – they demand a number of unspecified changes be made to Ameritech’s OSS “to allow for local exchange competition” **BEFORE** the Commission tests the OSS which is intended to allow for more competition! Time Warner urges this Commission to adopt a process of prehearing conferences, interim ALJ involvement and other administrative delays that are part of the Wisconsin commission’s practices and procedures without explaining why it would be in the best interest of this state to duplicate the months of process and negotiation which have already occurred in other states. This Commission has already laid the groundwork for an effective and efficient use of resources by hiring Mr. Kern as the facilitator and continuing the OSS process that has already been initiated in Cause No. 41324. Ameritech Indiana would be amenable to considering its OSS performance measures and related issues in this case instead of Cause No. 41324 as long as the resolution of those issues is not delayed by moving them into this docket.

Ameritech Indiana strongly recommends that the Commission hire John Kern as the facilitator, take advantage of the processes and decisions made in the other states and move forward as quickly as possible to begin OSS testing in Indiana.

**WHEREFORE**, Ameritech Indiana requests:

1. That a third party test of Ameritech’s OSS systems and processes should be conducted for the Commission in anticipation of an upcoming Ameritech Section 271 application.
2. That the Commission and Ameritech should begin the process of contracting with KPMG to serve as the test administrator and John Kern to serve as the facilitator.

3. That the Commission should adopt the Michigan Master Test Plan as the basis for the Indiana Master Test Plan.

4. That the Commission's fundamental objective for the test is to examine whether Ameritech's OSS and related process provide nondiscriminatory access in a manner that provides an efficient competitor a meaningful opportunity to compete.

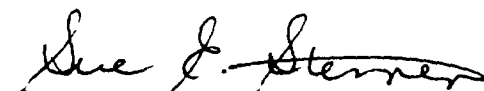
5. That the results of the test should be formally presented in this case for Commission review.

6. That the test should commence by mid-year 2000 and should be completed by early fourth quarter, 2000.

7. That it is the Commission's preference to conserve Staff and party resources by participating in and benefiting from similar third party testing work being performed in Michigan, Ohio and Wisconsin, and that to the extent possible, regional testing is the preferred course of action.

8. That the Commission schedule a time for Ameritech's Vice President, Long Distance Compliance, Terry Appenzeller, to do a presentation on Ameritech's proposed process, with an opportunity for questions and answers with Commissioners, IURC Staff and other parties.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Reply Comments of Ameritech Indiana* was served upon the following this 8<sup>th</sup> day of May 2000.

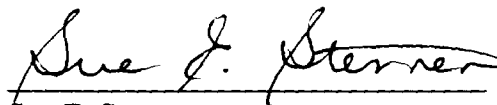
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